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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,553	08/17/2000	YI-MIN WANG	1018.050US3	6337

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EXAMINER

NAJJAR, SALEH

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/641,553

Applicant(s)

WANG ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 16 and 17 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 8. 6) ☐ Other: \_\_\_\_\_

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1. This action is responsive to the application filed on August 17, 2000. Claims 1-17 are pending.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-15 are drawn to cooperative computer processing, classified in class 709, subclass 205.

II. Claims 16-17 are drawn to computer network monitoring, classified in class 709, subclass 224.

Inventions I - II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as network monitoring. See MPEP § 806.05(d).

During a telephone conversation with John B. Conklin (registration No. 30,369) on September 26, 2003, a provisional election was made with traverse to prosecute the invention of cooperative computer processing, claims 1-15. Affirmation of this election must be made by applicant in responding to this Office action. Claims 16-17 are withdrawn from further consideration by the examiner, 37 CAR 1.142(b), as being drawn to a non-elected invention. The applicant is requested to cancel group II, claims 16-17 in response to this office action.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al., U.S. Patent No. 6,311,209.

Olson teaches the invention substantially as claimed including client host migration among a group of clients sharing the same application (see abstract).

As to claim 1, Olson teaches a method for electing a leader node among a plurality of redundant nodes including at least a first node and a second node comprising:

exchanging ID information among the plurality of redundant nodes;  
at the first node, determining whether the first node is oldest: based on the ID information exchanged (see figs. 1-5; col. 10-12, Olson discloses that numerical IDs are assigned to each new player as they join the application session);

concluding that the first node is the leader node in response to determining that the first node is the oldest; and at the second node, determining whether the second node is the oldest based on the ID information exchanged; concluding that the second node is the leader node in response to determining that the second node is the oldest (see col. 11, Olson discloses that in response to host migration request message received at all participating clients, each of the clients assign host duties to the node that has the lowest numeric identification).

Olson does not explicitly teach the limitation of "age information". Olson does teach that numeric identifications in ascending numerical order are assigned to each new admitted member of the application session and that the table of IDs are checked at each client in response to migration request message received where the host is determined based on the lowest numerical identification indicating that the member is the oldest existing application member (see col. 10-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olson by specifying the identification information exchanged among a group as age information since the same functionality is achieved.

As to claim 2, Olson teaches the method of claim 1, wherein the plurality of redundant nodes also includes a third node, the method further comprising, at the third node:

determining whether the third node is the oldest based on the ID information exchanged; concluding that the third node is the leader node in response to determining that the third node is the oldest (see col. 11, Olson discloses that in response to host migration request message received at all participating clients, each of the clients assign host duties to the node that has the lowest numeric identification).

Olson does not explicitly teach the limitation of "age information". Olson does teach that numeric identifications in ascending numerical order are assigned to each new admitted member of the application session and that the table of IDs are checked at each client in response to migration request message received where the host is determined based on the lowest numerical identification indicating that the member is the oldest existing application member (see col. 10-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olson by specifying the identification information exchanged among a group as age information since the same functionality is achieved.

As to claim 3, Olson teaches the method of claim 2, wherein the plurality of redundant nodes also includes a fourth node, the method further comprising, at the fourth node:

determine whether the fourth node is the oldest based on the ID information exchanged; concluding that the fourth node is the leader node in response to determining that the fourth node is the oldest (see col. 11, Olson discloses that in response to host migration request message received at all participating clients, each of the clients assign host duties to the node that has the lowest numeric identification).

Olson does not explicitly teach the limitation of "age information". Olson does teach that numeric identifications in ascending numerical order are assigned to each new admitted member of the application session and that the table of IDs are checked at each client in response to migration request message received where the host is

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determined based on the lowest numerical identification indicating that the member is the oldest existing application member (see col. 10-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olson by specifying the identification information exchanged among a group as age information since the same functionality is achieved.

As to claim 4, Olson teaches the method of claim 1, wherein the ID information includes how long each of the plurality of nodes has been online (see col. 10-12).

As to claim 5, Olson teaches the method of claim 1, wherein the method is periodically repeated (see col. 10-12).

As to claim 6, Olson teaches the method of claim 1, wherein the method is performed when any of the plurality of nodes has detected that a failure has occurred which may have affected the leader node (see col. 10-12, Olson discloses that the methods are performed in response to a host change notification).

Claims 7-15 do not teach or define any new limitations above claims 1-6 and therefore are rejected for similar reasons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157